IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Crl.Rev.Pet.No. 2064 of 2007()

CRA.308/2006 of ADDL.SESSIONS COURT, THODUPUZHA
ST.1621/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KATTAPPANA

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REVN. PETITIONER: APPELLANT/ACCUSED

C.I.GEORGE, S/O.ITTOOP, AGED 57
YEARS, CHERUVATHOOR HOUSE, KUNTHALAMPARA ROAD,
KATTAPPANA, IDUKKI DISTRICT.

BY ADV. SRI.P.K.BEHANAN

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

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1. V.REGI, S/O.VASU, THAKIDIYIL HOUSE,
KATTAPPANA VILLAGE, KATTAPPANA KARA,
KATTAPPANA P.O., IDUKKI DISTRICT.

2. STATE OF KERALA,
REPTD. BY THE PUBLIC PROSECUTOR,
HIGH COURT, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.2064 of 2007

Dated this the 29th day of May, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a compensation of Rs.1,25,000/- to the complainant vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for three months.

2. The contention of the revision petitioner is that the signed blank cheque kept in the pocket of his son was forcibly taken away by the complainant. Considering the evidence adduced in the matter, I find that the above contention cannot be believed as found by the courts below. Ext. D1 complaint dated 20.2.2004 in this regard filed by the accused has been made after the issuance of notice. Hence, the findings of the court below are confirmed.

3. Considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court. The rest of the sentence is confirmed.

Revision petitioner is granted six months' time from today onwards to pay the amount of compensation. He shall appear before the Judicial First Class Magistrate Court, Kattappana on 30.11.2007 to receive the sentence. Non bailable warrant pending, if any, shall be kept in abeyance till 30.11.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl